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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,110	06/30/2003	Nikhil Deshpande	P-5450-US	7934
49444	7590	04/30/2007		
PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY, 12TH FLOOR NEW YORK, NY 10036			EXAMINER WEST, LEWIS G	
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			04/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/608,110

Applicant(s)

DESHPANDE ET AL.

Examiner

Lewis G. West

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***Response to Amendment***

The affidavit filed on April 16, 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Woodward (2004/0203685) reference.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Woodward reference to either a constructive reduction to practice or an actual reduction to practice.

Arguments or even sworn statements that the applicant was busy and the application was not urgent enough to deal with are not persuasive to show diligence. It is not unreasonable to require an explanation of 3 months of time.

Further unconnected emails spanning large periods of time are not persuasive to show diligence.

Further, Prior invention may not be established under this section if either:

(1) The rejection is based upon a U.S. patent or U.S. patent application publication of a pending or patented application to another or others which claims the same patentable invention as defined in § 41.203(a) of this title, in which case an applicant may suggest an interference pursuant to § 41.202(a) of this title; In the present application the same invention is being claimed.

Therefore the rejection under Woodward stands.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 rejected under 35 U.S.C. 102(e) as being anticipated by Woodward  
(2004/0203685).

Regarding claim 1, Woodward discloses an apparatus comprising: a computer to match a request to share a desired capability by comparing stored data of a requesting device with stored data of a sharing device having the desired capability in the vicinity of the requesting device and to provide the requesting device with directions to locate the sharing device having the desired capability. (0035-0037)

Regarding claim 2, Woodward discloses the apparatus of claim 1, wherein the stored data of the requesting device comprises presence data of the requesting device and wherein the stored data of the sharing device comprises presence data of the sharing device. (0035-0037)

Regarding claim 3, Woodward discloses the apparatus of claim 1, further comprising: a communication interface to provide a connection to a communication system. (0035-0037)

Regarding claim 4, Woodward discloses the apparatus of claim 1, further comprising: a database application to enable the computer to match said stored data of the requesting device and the sharing device. (0035-0037)

Regarding claim 5, Woodward discloses an apparatus comprising: a request generator to provide a request to share a desired capability; and a locator to provide a location information to a server that is able to provide directions to locate a sharing device having the desired capability in a vicinity of the server. (0035-0037)

Regarding claim 6, Woodward discloses the apparatus of claim 5, further comprising: an input/output interface to provide connection to the sharing device. (Woodward, 0021)

Regarding claim 7, Woodward discloses the apparatus of claim 6, wherein the input/output interface comprises a wireless transceiver. (Woodward, 0021)

Regarding claim 8, Woodward discloses the apparatus of claim 6, wherein the input/output interface comprises an infrared transceiver. (Woodward, 0021)

Regarding claim 9, Woodward discloses the apparatus of claim 5, wherein the server is a presence server. (Woodward, 0035-0037)

Regarding claim 10, Woodward discloses the apparatus of claim 5, wherein the locator comprises a radio triangulation system. (0028, 0031)

Regarding claim 11, Woodward discloses the apparatus of claim 10 wherein the radio triangulation system comprises a global positioning system. (0028, 0031)

Regarding claim 12, Woodward discloses a communication system comprising: a server to provide capabilities sharing service; and a mobile station to request and receive capabilities sharing service from the server based on vicinity of the mobile device to a sharing device having a desired capability. (0035-0037)

Regarding claim 13, Woodward discloses the communication system of claim 12 wherein the server comprises: a computer to match a request to share a desired capability by comparing data of a requesting device in a requesting devices presence data with data of a sharing device having the desired capability in the vicinity of the requesting device in a sharing devices presence data and to provide to the requesting device directions to the sharing device having the desired capability. (0035-0037)

Regarding claim 14, Woodward discloses the communication system of claim 12 wherein the mobile station comprises: a request generator to provide a request to share a desired capability; and a locator to provide a location information to a server that is able to provide directions to locate a sharing device having the desired capability in a vicinity of the server. ((0035-0037))

Regarding claim 15, Woodward discloses a method comprising: receiving from a mobile station a request to share a desired capability located in the vicinity of said mobile station; and matching a sharing device to the request by comparing presence information and said desired capability of said mobile station to stored capabilities and presence information of sharing devices in the vicinity of the mobile station to find a matching sharing device. (0035-0037)

Regarding claim 16, Woodward discloses the method of claim 15 further comprising: sending to said mobile station a notification identifying the location of said matching sharing device. (0035-0037)

Regarding claim 17, Woodward discloses the method of claim 15 further comprising: sending a notification to said mobile station that no match was found. (0037, a query determining availability would have notification of whether the service is available, meaning the lack of availability would also be indicated)

Regarding claim 18, Woodward discloses the method of claim 15 further comprising: enabling a connection between said mobile station and said matching sharing device. (0037)

Regarding claim 19, Woodward discloses the method of claim 15 further comprising: updating the presence information of said mobile station and of said matching sharing device. (0035-0037)

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Regarding claim 20, Woodward discloses the method of claim 15, wherein receiving said request comprises receiving an identification of said mobile station. (0031, identification of the mobile would take place in a BLUETOOTH communication)

Regarding claim 21, Woodward discloses the method of claim 15, wherein receiving said request comprises receiving an updated location of said mobile station. (0032)

Regarding claim 22, Woodward discloses an apparatus comprising: a request generator to provide a request to share a desired capability; and a locator to provide a location information to a server that is able to provide directions to locate a sharing device having the desired capability in a vicinity of the server; and an omni-directional antenna to transmit the request to the server. (0022, 0035-0037)

Regarding claim 23, Woodward discloses the apparatus of claim 22, further comprising: an input/output interface to provide connection to the sharing device. (0019-0021)

Regarding claim 24, Woodward discloses the apparatus of claim 23, wherein the input/output interface comprises a wireless transceiver. (0019-0021)

Regarding claim 25, Woodward discloses the apparatus of claim 22, wherein the locator comprises a global positioning system (GPS) receiver. (0028)

Regarding claim 26, Woodward discloses an article comprising a storage medium having stored thereon instructions that, when executed by a processing platform, result in: receiving from a mobile station a request to share a desired capability located in the vicinity of said mobile station; and matching a sharing device to the request by comparing presence information and said desired capability of said mobile station to stored capabilities and presence information of

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sharing devices in the vicinity of the mobile station to find a matching sharing device. (0035-0037)

Regarding claim 27, Woodward discloses the article of claim 26, wherein the instructions when executed further result in: sending to said mobile station a notification identifying the location of said matching sharing device. (0035-0037)

Regarding claim 28, Woodward discloses the article of claim 26, wherein the instructions when executed further result in: updating said presence information of said mobile station and said presence information of said matching sharing device. (0035-0037)

### ***Conclusion***

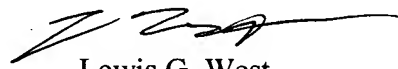
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lewis G. West  
Primary Examiner  
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